

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
MAY 16, 2006
7:00 P.M.**

1. The meeting was called to order at 7:04 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Dr. Frank Tunstall from NW Christian Center.

ROLL CALL

PRESENT

ABSENT

Mayor Marietta Tardibono
Vice-Mayor Jeff Martinez
Councilman Jimmy Alexander
Councilman Walter Johnson
Councilman Mike Gossman
Councilman Rodney Nelson
Councilman Stan Street
Councilwoman Nancy Olson
Councilman Stewart Shapiro

STAFF PRESENT

Pam Ramirez, City Clerk
Bob Jernigan, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Scott Barrett, City Engineer
Wiley Rice, Jr., City Planner

2. Presentation of a Certificate of Appreciation to Syble Robertson.

The Mayor made a presentation to Ms. Syble Robertson thanking her for maintaining the median on Comanche Court over the years.

3. Questions and Comments from Warr Acres Residents.

The Mayor reminded everyone that there was no longer trash dumping on the third Saturday of the month. She also told that a class at Monroe Elementary School had raised money for a vest for the city's drug dog.

Item 27 was heard before item 4.

4. Recess to enter into the Warr Acres Economic Development Authority Meeting.

The council recessed at 7:40 p.m. to enter into the Economic Development Meeting.

5. Convene as Warr Acres Economic Development Authority.
6. Reconvene City Council Meeting.

The council returned to session at 7:50 p.m.

As soon as the council reconvened there was a motion to reconsider the vote on item 26 that was done prior to recessing into the Economic Development meeting.

Motion by Nelson, second by Johnson to reconsider the vote on item 26. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Motion by Nelson, second by Martinez to continue item 26 to the June 20th meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

7. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #8.
 - A. Approval of Expenditures ***** General Fund \$ 57,533.02
 - B. Approval of Minutes from the April 18, 2006 Regular Meeting and April 11, 2006 Special Meeting. *****
 - C. Approval Supplemental Appropriation of Police Reserve Academy money to the Police Department in the amount of \$1,400.00.
 - D. Approval to pay the remaining portion, \$3,119.10 of Mr. Farris's bill from the General Fund, Attorney department.

Councilman Martinez asked to pull item D.

Motion by Olson, second by Shapiro to approve items A, B, and C. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Discussion and possible action on items removed from the consent docket.

Item D is Moot.

9. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, City Engineer, City Planner.

Chief Patty told the council that the auction would be held on June 17th at 10:00 a.m. at the city yard. He also told them that the grant money was received and would be appropriated back in the CIP budget. He said that a House Bill had just past changing the dollar amount that requires a jury trial so he would be working with Mr. Jernigan to get an Ordinance ready to reflect the change.

Engineer Barrett stated that pavement has been poured at 63rd and MacArthur. Trees are being removed on the west side of MacArthur and the Storm Sewer work is starting at the south end. He told the council that the Storm Water Committee members each had certain jobs assigned to them and they must be complete by August and a presentation will need to be made to the Planning Commission and the City Council. These presentations are required. All the contracts are signed on the Sewer Video project and the go ahead was given so work will begin soon. Councilman Shapiro asked if Mrs. Fleming has been taken care of by the contractor from when the barrel hit her car. Mr. Barrett stated that the contractor will take care of it and he would prefer not to discuss it in open session

Planner Rice said that a Special Planning Commission meeting will be held on May 23 for the IONE PUD and they have made good progress and believes they are ready to make a decision and a recommendation.

10. Questions and comments from Council members.

Councilwoman Olson said that the contractors are ruining the Conoco owners business by parking their personal vehicles all over his area and blocking people from getting to the gas pumps. She also asked if the bucket truck has been inspected yet and pointed out that it needed to be done every year.

Councilman Shapiro complimented OML on the excellent school that he recently attended and stated how impressed he was with the fact that the city's own Planner was one of the speakers and the city Attorney was called upon also. It made him proud that they were so highly respected.

Councilman Martinez commended the new Mechanic saying what a great job he was done and how with a qualified person how much work could get done.

Councilman Street asked about the railroad property and where the situation stood. Attorney Jernigan said that he had spoken with the family heirs and all have been identified. Either the city will get the quit claim deed or the County Assessor's office will get the proper information to bill for taxes and clean up. Councilman Street asked if after the city receives the quit claim deed if it could then be sold to the adjacent property owners. Attorney Jernigan stated that they can not use the city to acquire property for the adjacent property owners.

11. Discussion and possible action concerning property at 6612 NW 58th Terr. to take all necessary steps to abate code violations existing on the property including filing of litigation. *Jernigan*

Attorney Jernigan stated that he had met with the owner's attorney and they are preparing a schedule for work to be done. They obtained a fence permit on May 12th and the fence work will be done between May 19th and June 10th. There has been no plan for total improvements done and that is what the city has requested. He stated that he would like to have the item continued to the June 20th meeting to allow them more time.

Motion by Martinez, second by Gossman to continue the item to the June 20th meeting. Poll vote: Alexander, nay; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

The council took a recess at 8:25 p.m.

The council returned from recess at 8:35 p.m.

12. Final Public Hearing and action on rezoning 6103 NW 58th known as Ione Park or YWCA property from R1 to the PUD zoning classification. Owner/applicant: Ione Creek LLC/Patrick Martindale.

The Planning Commission is not done with this item yet so it needs to be continued.

Motion by Martinez, second by Olson to continue this item to the June 6th meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

13. Final Public Hearing and action on a Day Care Home at 5908 NW 50th Street as a Use Subject to Review in the R1 Single Family District. Owner/applicant: Diann Freeman.

Attorney Jernigan said the applicant may or may not be able to qualify so staff needs more time.

Motion by Martinez, second by Alexander to continue this item to the June 20th meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

14. Discussion and possible action on the 3% general fund revenue to be placed in the CIP Budget.

Mr. Crawford said that he understands there is an Ordinance that dictates that each year 3% of the total General Fund revenue is move to the CIP and up until a couple of years ago that was all within the General Fund just a separate account. Then you decided that you wanted it kept separate so from that point on we have physically transferred then money from General Fund to CIP Fund but for the FY 05-06 this was suspended for one year. He said that if it were up to him he would suspend the transfer mainly because of the dedicated sales tax that the city has now for the CIP. The General Fund is where recurring operating cost are and the fund that needs the most help financially, even though the city has recovered greatly from a few years ago. He said that his view is strictly from a financial aspect and he stated that he does not know what the Capital Improvement needs are. If you move it to the CIP then you will put more of a strain in the General Fund to balance. Mike Gossman asked if the Ordinance could be continued for one more year. Bob Jernigan stated that they would have to pass another Ordinance. He told them they would have to have an agenda item before the end of the year to approve the Ordinance. Mr. Crawford stated that they needed to do it soon because it would greatly impact the budget. Councilman Martinez asked Mr. Jernigan if he would draw up the Ordinance to suspend the 3% one more year. Councilman Johnson said that as bad as the streets and the sewers are they really need to put that money in CIP. Councilman Nelson stated that there will be another ½ year of additional sales tax going into General Fund and CIP and the people of this city want Capital Improvements. The city can make cuts in the General Fund but the Capital Improvements is where the citizens get the most benefit. Councilman Shapiro asked why the city could not look into getting a loan from the Water Resources Board; it might be a good way to handle that. He said perhaps they should look at the budget before making any decisions.

15. Discussion and possible action on a Resolution to allow the Bethany/Warr Acres Public Works Authority to undertake all aspects of a solid wasted transfer station.

Councilman Johnson stated that he spoke with Brenda Merchant at Waste Connections and the landfill has many more years of permitted service and they are in the process of applying for more permitted area as a landfill right there where they are currently located. He recommended that Ms. Merchant be contacted to speak to the Bethany/Warr Acres Public Works Authority. Clerk Ramirez stated that she would contact her and have her at the next Authority meeting.

16. Discussion and possible action on paying a claim for Tommy Pike for attorney fees in reference to the Ward II Council appointment. *Nelson* ****

Councilman Nelson stated that the reason he brought this back up was since a citizen took action to correct a wrong made by the council he should be reimbursed for his expenses. Attorney Jernigan stated that there are two ways for Mr. Pike to have been reimbursed and those were for him to request payment if agreed by contract or by State Statute. Declaratory action has no Statute saying it must be paid. He should have had it included in the judgment at the time. Councilman Street stated that if the city would have won they would have wanted the fees paid. Attorney Jernigan stated that the law does not provide for payment

and if the city had won they could not have gotten payment either. Councilman Street asked if the city had some obligation to pay and Attorney Jernigan said no.

Motion by Nelson, second by Johnson to pay Mr. Pike the money owed to his attorney in the amount of \$1044.85. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, nay; Martinez, nay; Street, yea; Shapiro, yea; Olson, nay; and Tardibono, nay.

Motion Passed.

17. Discussion and possible action on a Mutual Agreement between the Oklahoma County Commissioners and Warr Acres to reconstruct, improve, repair and assist in the maintenance of certain city streets. *****

Motion by Johnson, second by Alexander to approve the Mutual agreement with Oklahoma County. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

18. Discussion and possible action on the Jail Services Agreement with the Oklahoma County Commissioners and the Oklahoma County Sheriff. *****

Motion by Johnson, second by Gossman to approve the Jail Services agreement. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

19. Discussion and possible action on a contract for a Grant Writing Services.
Tardibono *****

Moot.

20. Discussion and possible action on an appointment to the Board of Adjustment Ward II, to replace Doug Mitchell who has resigned and is moving out of Warr Acres. Term to expire 10-06. *****

The Mayor recommended the appointment of Jon Evans.

Motion by Street, second by Martinez to approve Jon Evans for the Board of Adjustment Ward II seat. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

21. Discussion and possible action on a Change Order Number 002 for the MacArthur widening project from 50th to 63rd reducing the amount of the contract by \$5,970.00. *Barrett* ****

Engineer Barrett said that this change order was due to a sub-grade material change at a lower cost. He said that ODOT tested and made this recommendation.

Motion by Martinez, second by Street to approve the change order. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

22. Discussion and possible action on the possibility of making Twin Lakes housing addition a gated community. *Street*

Councilman Street said that the Twin Lakes Board would like to become a gated community and have the city still responsible for the streets. Attorney Jernigan stated that they could not have it both ways if they make it a gated community then they must maintain the streets. Councilman Street asked what would be required to do this. Attorney Jernigan stated that it would require a plat change and the home owners would be required to file formal paper work. He was told that they would not have traffic enforcement either. Councilman Street stated that he thought that the economic impact would be too great to do that.

23. Discussion and possible action on the silt problem at Twin Lakes as a result of the MacArthur Project. *Street*

Councilman Street passed out pictures of dirt that was going into the lake and asked what could be done. Engineer Barrett stated that it should have been taken care of already by the contractor. David Larkin from the Twin Lakes Home Owners Association is in charge of keeping the lakes maintained and read a letter that was sent to the council in February. They are concerned since the water level in this area had gone from 4 feet to 4 inches and they requested that the city take some kind of action to protect the lake. Engineer Barrett said that he met with ODOT and they were not happy about the fences and the contractor is responsible for this. Mr. Barrett stated that they may be able to get the contractor to clean it out since the equipment is already there anyway. He said that he get a meeting together and they could meet out there and get it worked out.

24. Discussion and possible action on city take home vehicles. *Gossman*

Councilman Gossman said that this issue kept coming up when he was running for office. Councilman Martinez read a statement that he had prepared of information he had obtained from the internet. He said there are pros and cons to take home vehicles. The pros are that they are taken better care of and they allow for easy and quick deployment. The cons are the legal exposure in an accident while off duty, possible stolen gear, uniforms and equipment. With gas prices continuing to go up parking the take home vehicles could help save money for the

city and lower the liability. He asked the council if the city could afford the financial liability if there were an accident. Chief Patty stated that the insurance company is aware of the city's policy and there are no weapons left in the vehicles. All units have alarms, and they are not to be parked in the street they must be parked in the driveway. Currently there are 5 units that go out of the city. Councilman Gossman said this was a concern the cars going out of the city. Chief Patty said that they are limited to using the vehicle within the metro and gave the council the mileage from the station to the person's homes and stated that the cost was minimal. Councilman Alexander asked how many unmarked units were taken home. Chief Patty said that there are 6, the Chief's, Deputy Chief, three Detectives, and the K-9 unit. Councilman Alexander asked about the liability of civilians in the event of an accident. Chief Patty stated that everyone understands that on one is covered if involved in an accident. Attorney Jernigan stated that a waiver must be signed for anyone doing a ride-along. Councilman Alexander said that back in the 90's an officer had his wife in the car and they were involved in an accident and they sued the city of OKC when the insurance company refused. Chief Patty stated that he, and the Deputy Chief and the Detectives use their vehicles when around the city area but they do not just run around all the time and they do not take them out of the metro. He also told them that no family members are allowed in marked units when off duty. Councilman Nelson said he would like to have them pulled in and see if it makes a difference. Chief Patty said that there have been times when the officers are coming into the city have heard a call and been the first to arrive at the scene. He said he thought it would be a mistake to bring the cars in. He said that 99% of the time all the detectives are called in because when you are talking about evidence response time is critical. He said that they don't happen often but you never know, you just have to be ready. Councilman Alexander said that they needed to track the fuel and wear and tear on the vehicles or they would not know the difference. Chief Patty stressed several time how he felt the detectives really needed their cars.

Motion by Martinez, second by Nelson to amend the policy on take home units for a six month trial basis and allow only the Chief, Deputy Chief, Detective on call and the K-9 units to be taken home all others are to be parked by June 1st.

Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, nay.

Motion Passed.

25. Discussion and possible action concerning the 4 computers purchased for city hall and a server. *Ramirez* ****

Clerk Ramirez stated that the computers received did not meet the requirements of the software company and stated that they could send these four computers back and get 4 that did meet the requirements for an additional \$124.00 each so the \$500 saved in the beginning would be used if they allowed for the change. The council agreed to allow the computers to be sent back and get the ones that met the requirements. She also told them that they had a couple of quotes for servers and that the quotes from Dell were higher than what council had approved. The

council asked how much more was needed to be able to get the Dell server and they said they would approve \$2000 more.

Motion by Shapiro, second by Martinez to appropriate an additional \$2000 for the purchase of a Dell Server. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Item 26 was heard after item 27.

26. Discuss and take action to authorize the City Treasurer to pay \$150,000 from the Economic Development Authority to the General Fund as a partial repayment of the \$700,000 long-term advance.

Councilman Shapiro stated that at the last meeting they had asked Mr. Jernigan to look into the obligation of the Authority to pay back the \$700,000 to the city. He was to give an opinion and if they decide to send back \$150,000 then it might set precedence so he feels a decision should be delayed until Mr. Jernigan can research it more.

Motion by Shapiro, second by Johnson to continue this item to the June 6th meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Item 27 was heard before item 4.

27. Discussion of city financials and treasury management. * Ramirez* ****

Mike Crawford was present to discuss the city's financials with the council. He said that many times it is confusing when it comes to checking accounts and investments and how the city funds work with pooled cash. In pooled cash all funds have a share of the cash and the investments. Except for a couple that actually have separate bank accounts such as PWA, Utility Deposits, and Community Center deposits. He handed out a sheet that he prepared from numbers supplied to him by Clerk Ramirez showing what the carryover was from FY 2004-2005 to FY 2005-2006. He stated that the city had really turned the financial situation of the city around. Councilman Shapiro asked if they could put the money in a CD and Mr. Crawford stated that they could but there really was no need because the money was kept separated on the books and they were already earning interest on the money.

28. Any Old or New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

Moot.

29. Adjournment.

Motion by Martinez, second by Gossman to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, nay; Shapiro, yea; Olson, yea; and Tardibono, nay.

Motion Passed.

The meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

Warr Acres Economic Development Authority Meeting May 16, 2006

The Economic Development Meeting was called to order at 7:40 p.m.

ROLL CALL

PRESENT

ABSENT

Chair Marietta Tardibono
Vice-Chair Jeff Martinez
Trustee Jimmy Alexander
Trustee Walter Johnson
Trustee Mike Gossman
Trustee Rodney Nelson
Trustee Stan Street
Trustee Nancy Olson
Trustee Stewart Shapiro

1. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of April 18, 2006. ****

Motion by Nelson, second by Johnson to approve the minutes. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

2. Approval of claims. **** \$ 8,385.90

Trustee Nelson stated that he did not have a conference with Mr. Farris on 3-23-06 as it shows on Mr. Farris's invoice. He said that they were talking while walking down the sidewalk out of the building after the meeting, there was on conference. Councilman Johnson stated that his name showed up on the bill and it was the same situation. Councilman Shapiro reminded everyone that a few months ago his name appeared on the bill due to an email he received. Councilman Street asked if this was really the way Mr. Farris bills the city and he was told it was that he groups all activity for the day and bills for the total. Councilman Street said that the city should not get billed if someone speaks to him in passing. The Mayor stated that Mr. Farris had done a great job.

Motion by Gossman, second by Olson to approve the payment of the claim. Poll vote: Alexander, yea; Johnson, nay; Nelson, nay; Gossman,

yea; Martinez, yea; Street, nay; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

3. Discussion and possible action on what account to pay the remaining amount, \$3119.10, of Mr. Farris's bill.

The Trustees stated that they would like the Chairwoman to call and request Mr. Farris to discount the bill.

Motion by Nelson, second by Martinez to continue this item to the July Economic Development meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Discuss and take action to authorize the City Treasurer to pay \$150,000 from the Economic Development Authority to the General Fund as a partial repayment of the \$700,000 long-term advance.

Motion by Nelson, second by Martinez to continue this item to the June Economic Development meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

5. Discussion and possible action on appraisal or proposals and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (C)(10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Moot.

6. Adjournment of the Warr Acres Economic Development Authority Meeting.

Motion by Martinez, second by Shapiro to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Economic Development meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk